IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3291 of 2005

Between:

T.Venkateswara Rao, S/o. Tataiah, aged 42 years,

Technician, Visakhapatanam Steel Plant, R/o. 434/D-Sector-VI,

Ukkunagaram, Visakhapatanam.

..... PETITIONER

AND

1. M/s. Rashtriya Ispat Nigam Ltd., represented by its

   Chairman-cum-Managing Director, Ukkunagaram,

   Visakhapatanam.

2. The General Manager (Personnel), Visakhapatnam

   Steel Plant, Visakhapatnam.

3. The Deputy Chief Manager (Personnel), Visakhapatnam

   Steel Plant, Visakhapatanam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in not promoting the petitioner to the post of Chargeman Cluster-C as per Rule 6.2 circular dated 11.01.1990 and Memorandum of settlement dated 05.01.1990 taking into consideration of merit and length of service as illegal and arbitrary and consequentially direct the respondents to promote the petitioner to the post of Charge-man cluster-C and to pass.

Counsel for the Petitioner: MR.M.L.ALI

Counsel for the Respondent Nos.1 to 3: MR.V.RAVINDRA RAO

The Court at the admission stage made the following :

ORDER:

For not promoting the petitioner to the post of Chargeman Cluster-C as per Rule 6.2 Circular, dated 11-1-1990 and the Memorandum of Settlement dated 5-1-1990 the present writ petition is filed.

The learned counsel for the petitioner vehemently contended that even though the petitioner was fully qualified for the post of chargeman, he was not called for the written test, which is contrary to the scheme.

On the other hand, the learned Standing Counsel appearing for the respondents contended that the petitioner has not averred in the affidavit that he will come within the ratio of 1:3 for promotion and therefore, the writ petition is devoid of merit.

The Policy and the Rules for promotion is covered by the scheme framed by the respondents as per Rule 6.2, which reads as under;

> "The ratio of vacancies and the number of eligible persons in the LOP to be considered for promotion will be 1:3 and the Departmental Promotion Committee particulars will be prepared accordingly."

Even according to the petitioner, the posts are about 500. Whereas, the eligible candidates are more than 4,800. If the same is accepted as true, at this stage, it must have been shown by the petitioner that he comes within 500 employees. There is also no allegation in the affidavit that he comes within 500 candidates. Therefore, unless the petitioner shows that he comes within 500 candidates, he is not entitled to be called for a written test. Even though he is fully qualified as per the seniority list, unless he comes within 500 candidates, his case need not be considered.

Therefore, the Writ Petition is devoid of merit and accordingly, the same is dismissed at the admission stage. No costs.

23-02-2005

To:

1. The Chairman-cum-Managing Director, M/s. Rashtriya Ispat Nigam Ltd.,Ukkunagaram, Visakhapatnam.
2. The General Manager (Personnel). Visakhapatnam Steel Plant,

   Visakhapatnam.
3. The Deputy Chief Manager (Personnel), Visakhapatnam Steel Plant,Visakhapatnam.
4. Two C.D.Copies.

sj